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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,327

02/12/2004

Kazuo Okada

SHO-0061

5313

23353 7590 01/24/2008
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

DEODHAR, OMKAR A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,327	Applicant(s) OKADA, KAZUO	
	Examiner Omkar A. Deodhar	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi (US 5,695,188) in view of Jaffe (US 6,569,018).

Regarding claim 1, Ishibashi discloses the following:

A gaming machine comprising a variable display means for variably displaying a plurality of symbols, (Abstract & Col. 2. Lines 33-38);

Lottery means for executing a lottery of a winning combination, (Abstract);
(Please note that the broadest reasonable interpretation of a lottery extends to include schemes related to distribution of prizes by chance);

Stop button and stop means, (Col. 3. Lines 62-67);

Ishibashi is silent regarding an additional display, provided below one or more stop buttons, and also attached to a front door body.

Jaffe teaches multiple video displays that attached to a front door body of a gaming machine, (Figure 1 – Items 14 and 16 are a lower and upper display, respectfully.) Both displays are attached to a large cabinet, Item 12. Jaffe discloses that the video displays may be provided in a plurality of configurations and orientations, (Col. 3. Lines 39-50.) Examiner has interpreted this disclosure as teaching that displays may be provided above, below or even beside (vertically) gaming machine input buttons, (stop buttons, bet buttons, etc.)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's disclosure to incorporate Jaffe's lower display attached to a front door body into Ishibashi's gaming device for the purpose of providing an additional means for conveying game state information. Additionally, with multiple displays, a linked image associated with basic and bonus games may be provided. Furthermore, with two displays, displayed images may interact with one another.

Additionally, regarding the limitation of storing image data in an image ROM, the examiner notes that a ROM is simply a memory storage device. Gaming machines inherently have storage devices for storing game data. This encompasses image data and therefore teaches the concept of an image ROM.

Regarding claim 2, Ishibashi discloses an electric display means provided in front of the variable display means, (Col. 1. Lines 54-60);

Regarding claim 3, Ishibashi discloses game states resulting from predetermined conditions, (Col. 9. Lines 45-57); the display indicates game information accordingly. Effects based on operation order (or lack of operation such as no stop button activity) are also disclosed in this portion of the Ishibashi reference, (discloses limitations of Claim 9 as well).

However, Ishibashi does not explicitly disclose a special game mode (a bonus mode, for instance). The use of special game modes is well known in the gaming industry and such modes are used extensively in slot machines.

Jaffe discloses special game modes and bonus rounds, (Col. 2. Lines 10-14).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's disclosure to incorporate bonus gaming embodiments for the purpose of enhancing the entertainment value and excitement associated with the game. Additionally, bonus games provide a greater expectation of winning than the basic game. Moreover, please note that the variable display of Ishibashi would accommodate such special modes.

Regarding claims 4-8, please refer to the rejections of claims 1-3 and 9, above. Additionally, Ishibashi's display is interpreted as an enhanced transmissive, or optically transmissive, display, because it is intended for indoor, (casino - low light viewing capability) use.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

/Corbett Coburn/
Primary Examiner
AU 3714